

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-3826 of 2024  
(Babar Imtiaz & others v Province of Sindh & others )

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 13.10.2025**

Mr. Ali Asadullah Bullo advocate for the petitioners  
Ms. Saima Imdad, AAG

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**ORDER**

**Muhammad Karim Khan Agha J:**      Petitioners seek:

*Setting aside of impugned summary dated 07-05-2024 and the letter dated 10-07-2024 to the extent of fresh recruitment.*  
*Direction to refer their cases to SPSC for assessment of suitability for permanent retention.*  
*Restraining Respondents from taking adverse action until the SPSC process concludes.*  
*Any other appropriate relief deemed fit.*

2.      In 2017, Respondent No. 2 initiated recruitment for the *Prevention and Control of Dengue in Sindh Program* and advertised several positions. The Petitioners, being eligible, applied, passed the IBA Sukkur test and interview, and were appointed on a contract basis to posts including *Environmental Specialist (BS-17)*, *Accounts & Admin Officer (BS-17)*, *MIS Coordinator (BS-17)*, *Entomologist (BS-17)*, and *Social Mobilizer (BS-16)*. The Petitioners have been continuously serving for seven years with satisfactory performance and multiple contract extensions. Eight vertical health programs were established under the Health Department of Sindh. Seven of them—including *TB, Malaria, HIV/AIDS, Hepatitis, MNCH, Blindness, and LHW Programs*—were shifted to the non-development side and regularized w.e.f. 01-07-2020 via Notification dated 24-03-2021. Only the *Prevention & Control of Dengue Program* staff was excluded from regularization, despite serving in similar posts under the same department. The Petitioners’ contracts have been extended up to 31-12-2024, but the department intends to recruit afresh through the Sindh Public Service Commission (SPSC), instead of referring Petitioners’ cases for suitability and regularization. Petitioners claim discrimination, violation of equal treatment under Articles 4, 9, 18 & 25 of the Constitution, and breach of the principles of good governance, equity, and fair play. They rely on precedents (PSO Ltd. v. Zaheer Ahmed, **2018 SCMR 1181** and Pir Imran Sajid v. MD, **2015 SCMR 1257**) where long-

serving contractual employees performing permanent duties were directed to be regularized.

3. Learned counsel for the petitioners prayed to allow the instant petition based on the aforesaid analogy.

4. Learned AAG submitted that Petitioners were hired in 2017 purely on a contract basis for a three-year project (“Prevention & Control Program for Dengue in Sindh”), which became defunct on 30-06-2020. The Dengue Program was never approved or sanctioned for regular posts; hence, its staff cannot be regularized. Only seven vertical programs (excluding Dengue) were transferred to the non-development side and regularized. It is also alleged that at least one Petitioner (Environmental Specialist) failed to perform duties or submit required reports. The Health Department has already requested SPSC to recruit fresh candidates for the *Malaria & Dengue Control Program Sindh*, which was advertised on 22-05-2024. She prayed to dismiss the petition.

5. After examining the record, it appears that the Petitioners were appointed purely on a *contractual basis* under a *time-bound development project* (“Prevention and Control of Dengue in Sindh”), which was sanctioned for a limited period and became defunct on 30-06-2020. Therefore, no vested right of regularization automatically accrues to the Petitioners. Since the Dengue Program was not included among the eight vertical programs later transferred to the non-development side and regularized, and no sanctioned posts exist in the regular budget for these positions, the Respondents were justified in not regularizing the Petitioners.

6. The plea of discrimination under Article 25 may not be sustained because other program employees were regularized only where posts were approved and funded by the government. Equality cannot be claimed in illegality or without legal sanction. This Court may, however, direct the Health Department to allow the Petitioners to apply and compete before the Sindh Public Service Commission (SPSC) for the same posts and to consider their experience favorably during the selection process. This balances fairness with legality.

7. For the reasons stated above, the petition is partly allowed. The Respondents are directed to refer the cases of the Petitioners to the Sindh Public Service Commission and to allow them to participate in the forthcoming recruitment process, with due consideration of their experience. However, the prayer for direct regularization is declined as the project has since been concluded and no sanctioned posts exist on the regular side as informed. Pending till the completion of the SPSC process, no adverse action shall be taken against the Petitioners if they are

continuing on the positions and if already left the competent authority may reconsider their decision to allow them to participate in competition without discrimination. This petition stands disposed of in the above terms.

Head of the Constitution Benches

JUDGE

Shafi